

(PRE-FILED)

By: **Delegate Boutin**
Requested: November 1, 2000
Introduced and read first time: January 10, 2001
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Secondary Employment of Social Services Employees as**
3 **Visitation Facilitators**

4 FOR the purpose of authorizing an employee of the local department of social services
5 in Harford County to have secondary employment with a circuit court as a
6 visitation facilitator in domestic relations or custody cases, under certain
7 circumstances; and generally relating to the employment of department of social
8 services employees by a circuit court as visitation facilitators in Harford County.

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 15-502
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Government**

17 15-502.

18 (a) This section does not apply to members of the General Assembly.

19 (b) Except as provided in subsections (c) and (d) of this section, an official or
20 employee may not:

21 (1) be employed by or have a financial interest in:

22 (i) an entity subject to the authority of that official or employee or
23 of the governmental unit with which the official or employee is affiliated; or

24 (ii) an entity that is negotiating or has entered a contract with that
25 governmental unit or an entity that is a subcontractor on a contract with that
26 governmental unit; or

1 (2) hold any other employment relationship if that employment
2 relationship would impair the impartiality and independent judgment of the official
3 or employee.

4 (c) The prohibitions of subsection (b) of this section do not apply:

5 (1) to employment or a financial interest allowed by regulation of the
6 Ethics Commission if:

7 (i) the employment does not create a conflict of interest or the
8 appearance of a conflict of interest; or

9 (ii) the financial interest is disclosed;

10 (2) to a public official who is appointed to a regulatory or licensing unit
11 pursuant to a statutory requirement that entities subject to the jurisdiction of the
12 unit be represented in appointments to it;

13 (3) as allowed by regulations adopted by the Commission, to an employee
14 whose government duties are ministerial, if the private employment or financial
15 interest does not create a conflict of interest or the appearance of a conflict of interest;
16 [or]

17 (4) to a member of a board who holds the employment or financial
18 interest when appointed if the employment or financial interest is publicly disclosed
19 to the appointing authority, the Ethics Commission, and, if applicable, the Senate of
20 Maryland before Senate confirmation; OR

21 (5) IN HARFORD COUNTY, TO AN EMPLOYEE OF THE LOCAL
22 DEPARTMENT OF SOCIAL SERVICES WHO HAS SECONDARY EMPLOYMENT WITH A
23 CIRCUIT COURT AS A VISITATION FACILITATOR IN DOMESTIC RELATIONS OR
24 CUSTODY CASES, PROVIDED THE EMPLOYEE RECEIVES NO ASSIGNMENTS IN THE
25 COURSE OF EITHER EMPLOYMENT WITH A FAMILY THAT IS INVOLVED WITH THE
26 OTHER AGENCY.

27 (d) (1) Subject to paragraph (2) of this subsection, the Ethics Commission
28 may exempt a public official of an executive unit or an employee of an executive unit
29 from the prohibitions of subsection (b) of this section if the Ethics Commission
30 determines that:

31 (i) failure to grant the exemption would limit the ability of the
32 State to:

33 1. recruit and hire highly qualified or uniquely qualified
34 professionals for public service; or

35 2. assure the availability of competent services to the public;
36 and

1 (ii) the number of exemptions granted under this subsection has
2 not tended to erode the purposes of subsection (b) of this section or other provisions of
3 this title.

4 (2) (i) The Ethics Commission may grant an exemption under
5 paragraph (1) of this subsection only:

- 6 1. in extraordinary situations; and
7 2. upon the recommendation of the Governor, at the request
8 of the executive unit involved.

9 (ii) The Ethics Commission shall apply this subsection as
10 consistently as possible under similar facts and circumstances.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2001.